

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.4182 of 2007

Date of Decision: 30.7.2007

Lalit Singh

..Petitioner.

Versus

Punjab National Bank, Housing Finance Ltd. and another.

...Respondents.

**CORAM: HON'BLE MR.JUSTICE M.M.KUMAR
HON'BLE MR.JUSTICE AJAY KUMAR MITTAL**

Present: Sh.V.K.Kataria, Advocate for the petitioner.

Sh.J.S.Bagga, Advocate for respondent No.1

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M.M.KUMAR, J.

The substituted service as directed vide order dated 7.5.2007, has been effected according to the office report by publication of notices in the English daily 'The Tribune' and the Hindi daily 'Punjab Kesari'. Despite service of publication, no one has put in appearance on behalf of respondent No.2, therefore, respondent No.2 is proceeded ex parte.

This petition raises a number of disputed questions of fact with regard to the title of the petitioner. It has not been explained as to why the title deed was not obtained by the father of the petitioner from respondent No.2 when he purchased the property on 9.9.2002 (Annexure P-1). It is not possible to permit reliance on mutation dated 19.9.2003 (Annexure P-2) for recording a finding of a valid title. These are disputed facts. Therefore, the petitioner is relegated to the alternative remedy which he may avail in accordance with law.

If there is any delay in availing any alternative remedy, an appropriate application would be filed by the petitioner and the same would be considered sympathetically. The petitioner is disposed of in the above terms.

(M.M.Kumar)
Judge

(Ajay Kumar Mittal)
Judge

30.7.2007
Meenu